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Richard F. Jaworski
1185 Avenue of the Americas
New York, NY 10036

In re Application of ATTIEH
U.S. Application No.: 09/937,976
Int. Application No.: PCT/IB99/00546
Int. Filing Date: 30 March 1999
Attorney Docket No.: 0073/65994
For: A METHOD OF CONDUCTING
FINANCIAL TRANSACTIONS

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DECISION

This is in response to applicant's "Request for Resetting Time Period for Response and Revival of Application in View of Non Receipt of Patent and Trademark Office Communication, or in the Alternative, Petition to Revive" filed 22 August 2002, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 March 1999, applicant filed international application PCT/IB99/00546. A copy of the international application was communicated to the USPTO from the International Bureau on 05 October 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 October 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2001.

On 28 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 August 2002, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

Pursuant to MPEP 711.03(c), the showing required to establish nonreceipt of an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has provided the required statement.

With regard to item (3) above, the submitted docket listing for the present application is insufficient. Applicants' representative should supply a docket record which lists responses due to the USPTO on 14 January 2002 for all cases handled by the representative's firm, or if such a docket record is unavailable, for all cases handled by applicants' representative. This docket record must illustrate the absence of any listing of a response due to a Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459